IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9717 of 2004

Between:

N.Sudheer, S/o Bhaskara Rao, aged 43 years, Hindu,
M/s Siddartha Enterprises, Indian Gas Godown, D.No.22-1-1111,
Imlibun, Gowliguda, Hyderabad.

..... PETITIONER

AND

1 The Deputy Commissioner, Endowment Department, Tilak Road, Hyderabad.
2 Person in Management, Sri Jagannathaswamy Temple, Imlibun, Gowliguda, Hyderabad.
3 Mahantha Bharath Das, S/o Late Jagannath Das, R/o 22-1-1111, Imlibun, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to order dated 16-2-2004 made in I.A.70/2003 in O.A.03/2001 passed by the 1st respondent and quash the same as illegal, arbitrary, unjust, without jurisdiction, and in violation of Principles of Natural Justice.

Counsel for the Petitioner : MR.N.GURU GOPAL,Advocate

Counsel for the Respondent No.1 : GP FOR ENDOWMENTS

Counsel for the Respondent No.2 : K. Ravi, ADvocate

The Court at the admission stage made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the order passed by the first respondent in I.A. No.70 of 2003 in O.A. No.3 of 2001, which was filed, by the second respondent before the first respondent under Section 83 (6) of A.P. Charitable and Hindu Religious Institutions and Endowments Act.

2. The said O.A., was filed to declare that the respondents therein as encroachers and for evicting them from the schedule land, which is an extent of 6,400 Sq. feet covered by Registered document No.12/2 of 1335 Fasli. Pending said O.A., the second respondent also filed I.A. No.70 of 2003, as admittedly the said property is in the possession of the present petitioner, who was impleaded as first respondent in the O.A. to deposit a sum of Rs.5,000/- every month in favour of the petitioner therein. The first respondent after hearing both sides passed the order directing the first respondent, who is the petitioner herein, to deposit the said amount with the Temple every month towards the use and occupation of the subject property, pending disposal of the O.A. Even though the said order was passed on 16.01.2004, the writ petitioner did not pay any amount, and has come up with the present writ petition contending that as per the agreement between him and the third respondent, he is liable to pay only a sum of Rs.2,000/- for the use and occupation of the said premises as per his agreement with the third respondent. Therefore the first respondent cannot direct him to deposit Rs.5,000/- that too at a stage when the matter was at the stage of completion of evidence. Therefore sought to

quash the impugned order. Alternatively the learned counsel contended that the petitioner may be permitted to deposit only Rs.2,000/- instead of Rs.5,000/- as directed.

3. The learned counsel for the second respondent Sri K. Ravi on the other hand opposed the said contentions and sought for a direction to deposit the amount as directed by the first respondent under the impugned order.

4. Heard both sides and considered the material on record.

5. The present writ petition is filed against the interim order passed by the first respondent pending disposal of the O.A., which was filed by the second respondent. Admittedly the petitioner is not the owner of the land in question. He alleges that the third respondent is the owner and from the third respondent he took the same on lease and constructed go-down and paying rent @ Rs.2,000/- per month and on the application filed by the second respondent, the first respondent adjudicated the matter and directed the petitioner to deposit Rs.5,000/- per month from the date of the order. The said order is assailed saying that there are no justifiable grounds for giving such direction.

6. In view of the above facts, this Court does not find any merit warranting interference with the above order. The direction given by the first respondent to deposit a sum of Rs.5,000/- with reference to the extent of the land in possession of the petitioner is just and equitable and does not call for any interference. However, it is made clear that the amount so deposited by the petitioner shall be kept in fixed deposit pending disposal of O.A. The amounts so deposited shall be subject to the final outcome of the orders in O.A. With reference to the amounts payable by the petitioner from the month of January, 2004, the petitioner is directed to deposit the same within a period of four

weeks from today. With reference to the amounts payable for the month of June, 2004, the petitioner is directed to pay the same on or before 10th of succeeding month. Similarly for the subsequent months also, the amount of due for every month is to be paid by 10th of every succeeding month.

7. With the above directions, the writ petition is accordingly disposed of. No costs.

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S. ANANDA REDDY, J

23rd June, 2004.

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To

1 The Deputy Commissioner, Endowment Department, Tilak Road, Hyderabad.
2 The Person in Management, Sri Jagannathaswamy Temple, Imlibun, Gowliguda, Hyderabad.
3 Two CCs to the Government Pleader for Endowments, High Court
Buildings, Hyderabad. (OUT)
4 Two CD copies.